

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

<b>In Re:</b>	)	16-29256
	)	
<b>BRIAN LENDERMAN AND</b>	)	<b>Chapter 13</b>
<b>KELLY GARFIAS-LENDERMAN,</b>	)	
	)	<b>Judge GOLDGAR</b>
<b>Debtor(s).</b>	)	

**NOTICE OF MOTION**

**The following parties have been served via electronic mail:**

U.S. Trustee: USTPRegion11.ES.ECF@usdoj.gov  
Glen Stearns, Chapter 13 Trustee: mcguckin\_m@chi13.com

**The following party(s) have been served via regular US mail:**

See attached service list.

PLEASE TAKE NOTICE that on June 12, 2020, at 9:30 am, I will appear before the Honorable Judge Goldgar, or any judge sitting in that judge's plan, and present the Motion to Vacate or Adjust Payroll Order, a copy of which is attached.

**This motion will be presented and heard telephonically.** No personal Appearance in court is necessary or permitted. To Appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at [www.Court-Solutions.com](http://www.Court-Solutions.com) or by calling Court Solutions at (917)746-7476.

**If you object to this motion** and want it called on the presentment date about, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objections is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

**PROOF OF SERVICE**

The undersigned does hereby certify that copies of this Notice and attachments were served to the above persons or entities, if service by mail was indicated above, by depositing same in the U.S. Mail at Wheeling, Illinois 60090, before 5:00 p.m. on June 4, 2020 with proper postage prepaid, unless a copy was provided electronically by the Bankruptcy Court.

\_\_\_\_\_  
/s/ Christine H. Clar  
Christine H. Clar, A.R.D.C. #6202332  
Attorney for the Debtor(s)

DAVID M. SIEGEL & ASSOCIATES  
Attorney for the Debtor(s)  
790 Chaddick Drive  
Wheeling, IL 60090  
847/ 520-8100

**The following party(s) have been served via regular US mail:**

Brian Lenderman  
Kelly Garfias-Lenderman  
5250 Grand Ave., Ste. 14  
Gurnee, IL 60031

Credit Acceptance  
25505 W 12 Mile Rd., #3000  
Southfield, MI 48034

Illinois Tollway  
P.O. Box 5544  
Chicago, IL 60680

IRS  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Toyota Motor Credit  
P.O. Box 9013  
Addison, TX 75001

Madrona Village Homeowners Assoc.  
c/o Keay & Costello  
128 S. Courty Farm Rd.  
Wheaton, IL 60187

Sprint Corp  
Attn: Bankruptcy Dept.  
P.O. Box 7949  
Overland Park, KS 66207-0949

Nicor Gas  
P.O. box 549  
Aurora, IL 60507

American Credit Accept  
961 E. Main St.  
Spartanburg, SC 29302

Capital One Bank  
P.O. box 71083  
Charlotte, NC 28272-1083

Fortiva  
P.O. Box 105555  
Atlanta, GA 30348

Navient Solutions  
Dept. of Education Loan Services  
P.o. Box 9635  
Wilkes-Barre, PA 18773-9635

LVNV Funding  
Resurgent Capital Services  
P.O. Box 10587  
Greenville, SC 29603-0587

Directv  
American InfoSource  
P.O. Box 5008  
Carol Stream, IL 60197-5008

Pinnacle Credit Services  
Cellco Partnership/Verizon Wireless  
Resurgent Capital Services  
P.O. Box 10587  
Greenville, SC 29603-0368

Portfolio Recovery  
Comenity Capital Bank  
P.o. Box 41067  
Norfolk, VA 23541

Illinois Dept. of Revenue  
Bankruptcy Sec.  
P.o. Box 19035  
Springfield, IL 62794-9035

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<b>KELLY GARFIAS-LENDERMAN,</b>	)	
<b>Debtor(s).</b>	)	<b>Judge GOLDGAR</b>

**MOTION TO VACATE OR ADJUST PAYROLL ORDER**

NOW COME the Debtors, by and through their attorneys, DAVID M. SIEGEL & ASSOCIATES, LLC to present their Motion, and in support thereof state as follows:

1. Jurisdiction is proper and venue is fixed in this Court with respect to these parties.
2. On September 14, 2016, the Debtors filed a voluntary petition for relief pursuant to Chapter 13 under Title 11 USC, Glenn Stearns was appointed Trustee, and the Chapter 13 plan was confirmed on November 11, 2016.
3. On November 17, 2017 an amended payroll control order was signed by the court, (Exhibit A). The orders provide that \$860.00 would be taken out of Debtor No. 1's pay check each month. The orders also provide that the employer shall change the amount or stop the deduction upon written notice from the Trustee.
4. Debtor No. 1 is now out of work because he needs surgery. This surgery will happen shortly, and he will be out of work a minimum of 6 weeks.
5. During this time Debtor No. 1 will receive a smaller amount in each check. This amount will not allow him to make his plan payments during this time.
6. Debtor's wish to stop his payroll deductions during this time, so that they can pay their other expenses.

7. Debtor's will make their Trustee's payments as they can until Debtor No. 1 is back to work. Since they have been in their bankruptcy for 45 months already, they do not wish to refile a new case, when they will only be short a few monthly payments.
8. The Debtors ask for this change to the payroll orders in good faith and to promote successful performance of the Chapter 13 plan.

WHEREFORE, the Debtors, Brian Lenderman and Kelly Garfias-Lenderman, pray that this Honorable Court enter an Order to Vacate or Adjust Payroll Orders, and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

/s/ Christine H. Clar

Christine H. Clar, ARDC #6202332  
Attorney for the Debtor(s)

DAVID M. SIEGEL & ASSOCIATES  
790 Chaddick Drive  
Wheeling, IL 60090  
847/ 520-8100

# EXHIBIT A

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: Brian Lenderman

) Case No. 16-29256  
)  
)  
) Chapter 13  
)  
)

SSN: XXX-XX-3695

Debtors

Honorable A. Benjamin Goldgar

**AMENDED ORDER TO EMPLOYER TO PAY THE TRUSTEE**

To: College of Lake County  
19351 W. Washington Street  
Grayslake, IL 60030

Attn: Payroll Department

WHEREAS, the above named debtor has submitted a plan to pay his/her debts out of his/her future earnings, and by his/her plan submits all of his/her future earnings to the supervision and control of this Court for the purpose of carrying out the Plan:

NOW IT IS THEREFORE ORDERED, that until further order of this Court, College of Lake County, employer of Brian Lenderman, deduct from the earnings of the debtor the sum of \$ 860.00 each month beginning on the next pay day following the receipt of this order and to pay the sum so deducted to , Glenn Stearns, Trustee at least once a month at the following address:

Glenn Stearns Chapter 13 Trustee  
P.O. Box 2368  
Memphis, TN 38101-2368

IT IS FURTHER ORDERED, that the employer shall stop or change the deduction upon written notice from the Trustee;

IT IS FURTHER ORDERED, that the employer shall notify the Trustee if the employment of the debtor is terminated and the reason for such termination;

IT IS FURTHER ORDERED, that all earnings of the debtor, except amounts required to be withheld by the provisions of Federal or State law or for insurance, pension or union dues, be paid to the debtor and that no deduction other than authorized or directed by this order be made by the employer.

FOR THE COURT

Date  
Entered:

11/20/2017

  
KK

Jeffrey Allsteadt, Clerk, United States Bankruptcy Court

Debtor or Attorney Signature /s/ David M. Siegel

Date: 11/17/2017



I agree to entry of this order without further notice or hearing.



Check this box if the debtor has agreed to the entry of this order without further notice or hearing through Section I of the Chapter 13 Plan.